

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES GOVERNMENT,

EX REL. JOSEPH ODISH and  
CRANBROOK CAPITAL  
CONSULTING GROUP, LLC

Plaintiffs,

Case No. 14-CV-10736

v.

Hon. Judge Goldsmith  
Hon. Magistrate Grand

Cognitive Code et al.

Defendants.

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ODISH & ASSOCIATES, PLLC  
Joseph Odish (P53629)  
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Attorneys for Plaintiffs

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**STATEMENT OF INTENTION TO PURSUE CIVIL CLAIMS AND FILE  
MOTION FOR JUDICIAL DETERMINATION**

TO THE HONORABLE JUDGE GOLDSMITH, MAGISTRATE GRAND AND  
ATTORNEY CAPLAN:

1. Relator Odish respectfully states and informs this Honorable Court that given the serious and complex nature of the matter, it is in the best interests of Relator and the United States Government for Relator to pursue his civil claims (bifurcation, tolling) separately and re-file an amended Qui Tam complaint action at a later date.
2. Only in the past few months has Relator learned he has significant civil claims against Apple and Northrop Grumman.
  - a. For reasons to be delineated in the Motion, to serve the complaint now would be a serious mistake and prejudicial to Relator's interests and the interests of the United States Government.
  - b. Relator makes this Statement because of his very legitimate belief based upon his "original source" knowledge, SEC filings, USPTO filings, and other documents, the Defendants may be collaterally estopped as referenced in the FCA statute, 18 USCS 3729 et seq.
3. Relator humbly requests this Court not to view this as a reflection of the merits and claims of the case. Relator states quite the contrary is true: he has learned new information, there has been actionable conduct, new defendants such as tech giant APPLE must be added, etc.
  - a. As will be delineated in the motion, Relator has only learned recently that he has in effect without his knowledge been litigating for two years against unnamed shadow defendants Apple and Northrop Grumman in the Los Angeles Proceedings, Case No. 12-09069.

4. Despite this filing being a mere statement, this Honorable Court will note or take judicial notice from the Docket Report of California proceedings (12-09069) and the Exhibits filed by Relator and his attorney John Schalter, Relator is cooperating with the FBI in a direct and parallel pending investigation into matters related to this action and the other pending civil cases, the aforementioned LA proceedings and the Morgenthauer case here in Eastern District, 13-14026.

- a. Given the serious nature of the matter, in the motion Relator will ask this Court for judicial determination of an issue regarding “public disclosure” in a filing made in this District by Attorney/Defendant Rosen [in the legal malpractice case, 13-13799 in which Honorable Magistrate Grand participated in] and issues pertaining to acts of retaliation.
- b. In the motion, Relator will ask this Honorable Court consolidation of the Morgenthauer case [13-14026], which has just commenced and is in pretrial phases.
- c. Relator is a civilian employee of a subcontractor and has federal statutory whistleblower protection. In the motion, given the serious nature of the issues Relator will ask this Court for judicial determination of whether the civil case (after Relator files it with this Court) should be stayed or allowed to proceed given the pending parallel investigation.

- i. Having researched the issue heavily, there is significant case law [to be submitted in motion] that may require Relator to stay his civil actions. Relator will ask this Court for judicial determination.
  - d. In the Motion, Relator will ask this Honorable Court for some measure of equitable relief from the ongoing retaliation against himself, family members, and his own attorneys.
  - e. In the Motion, Relator will present a simple collection of documents and filings previously submitted that display a strong likelihood of success on the merits. Such documents include: Relator's Demand Letter, certain emails, and Nuance SEC filings from 2012 and 2013.
5. **Express Reservation of all claims.** Relator specifically states on the record and to this Honorable Court that he is not waiving any claims, either his own civil claims or lawful and legitimate claims accruing to the United States Government. Relator specifically states he will pursue his civil claims separately and the Government's claim in a subsequent re-filing.
6. Out of Deference to Department of Justice and Attorney Caplan, Relator has kept DOJ apprised of material events and facts.
7. **Extraordinary Circumstances surrounding this Case.** The motion will be filed within the next week. Relator apologizes to this Honorable Court for filing a mere statement and not the actual motion because the civil proceedings and cooperation with certain entities have dominated Relator's

time. And as a result of some disturbing events in the California proceedings which will be discussed in the Motion, Relator has lost his attorney, Daniel Hoffiz, who would have represented Relator in the pending qui tam action.

**DATED: NOVEMBER 9, 2014**

/s/Joseph Odish

Joseph Odish